APPENDIX C

STATE OF INDIANA)
) SS:
COUNTY OF LA PORTE) CAUSE NO. 30117-C

IN LA PORTE CIRCUIT COURT

DECEMBER TERM, 1963

ARNOLD G. HOBBS, Petitioner,

vs.

Ward Lane, as Warden of The Indiana State Prison.

ORDER

Comes now Arnold G. Hobbs, in person, and by his counsel, Probst and Probst, and comes also the Respondent by David S. Wedding, Deputy Attorney General of the State of Indiana, and the petition having been submitted to the court for hearing, without the intervention of a jury; witnesses sworn, evidence heard and the trial had, the court now finds that Arnold G. Hobbs was tried by a jury in the Allen Circuit Court upon the crime of embezzlement, and that the jury did not fix any punishment, but merely found the defendant guilty; that the Allen Circuit Court then entered a sentence of fifteen (15) years and a fine of one thousand dollars, plus costs; and that a commitment was issued by the Clerk of the Allen Circuit Court, pursuant to said sentence, and that the defendant was committed to the Indiana State Prison at Michigan City, Indiana;

The Court further finds that in the absence of the jury fixing the punishment, under the determinate sentence law, that the petitioner was only required to serve a minimum sentence of two years and one dollar fine, plus the costs; and that the said petitioner has served now a period of Four Years, six months and fourteen days which is in excess of the time provided for by the determinate sentence law of the State of Indiana, and that petitioner was entitled to be

released after serving two years, plus one day, plus time for costs of the trial, and that his restraint after he was entitled to be released is unlawful, and that the petitioner is now being illegally restrained of his liberty.

The Court further finds that said petitioner, by reason of said illegal restraint, is entitled to be released.

It is, therefore, ordered and adjudged by the Court that said Arnold G. Hobbs be, and he is hereby discharged from imprisonment and detention and from custody of said Ward Lane, as Warden of the Indiana State Prison.

/s/ Alban M. Smith
ALBAN M. SMITH, JUDGE

December 16th, 1963